IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 15074 of 2004

Between:

S. Laxmipathi, S/o. Sri Venkaiah (Late), age 58 years,
R/o.H.No. 22-2-407, Noorkhana Bazar, Hyderabad.

..... PETITIONER

AND

A.P. Housing Corporation rep. by its Chairman, through

Secretary, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the respondents to execute the sale deed and register the same in the name of the petitioner for the tin shed in which the petitioner has been residing for past 35 years, inaction on their part for non-registration be declared as illegal, arbitrary, unjust and the same as violative of Articles 14, 16 & 21 of the Constitution of India.

Counsel for the Petitioner: SMT.A.P.LAKSHMI

Counsel for the Respondent: MR.J.PRABHAKAR, Standing Counsel for A.P.Housing Corporation.

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.15074 OF 2004

ORDER:

The petitioner approached this Court through this writ petition to direct the respondent-A.P. Housing Corporation to execute a registered sale deed in favour of the petitioner for the property in his possession, which was purchased in an open auction conducted by the respondent-Corporation on 24.08.1969. 2. The record discloses that the petitioner failed to pay the balance of sale consideration. Therefore, the sale deed was not executed in favour of the petitioner. Being aggrieved by the non-execution of the sale deed, the petitioner filed a civil suit covered by O.S.No.3347 of 1985 on the file of the IV Assistant Judge, City Civil Court, Hyderabad for specific performance of the contract. The said suit was dismissed as barred by limitation. Against which, the petitioner preferred an appeal in A.S.No.210 of 1989 on the file of the First Additional Special judge for SPE and ACB Cases, City Civil Court, Hyderabad, and it was also dismissed by confirming the Judgment of the trial Court. Against the judgment of the lower appellate Court, the petitioner filed C.R.P.No.3027 of 1993 before this Court and the same was also dismissed for default. The petitioner, having lost the battle in all the hierarchy of Civil Courts, approached this Court through this writ petition seeking the same relief, which was denied by the civil Courts. The petitioner, therefore, cannot maintain this writ petition.

3. The learned counsel for the petitioner submitted that the petitioner is a poor man, living in the property in question from the date of its purchase for the last 35 years and he is not in a position to further pursue the matter for want of financial resources.

4 . The writ petition is accordingly dismissed. However, in the light of the

circumstances explained by the petitioner, he may approach the respondent-Corporation through a representation and the respondent-Corporation may examine whether it is possible to consider the request of the petitioner on sympathetic grounds and whether it is possible to execute any sale deed after receiving the balance of sale consideration with interest and pass appropriate orders.

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DR.G.YETHIRAJULU,J

Date: 15th September, 2004.

CS/KM

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman, A.P. Housing Corporation through Secretary,

Hyderabad.

2. Two C.D. copies.